

3 FAM 4730 FORMAL GRIEVANCES

(CT:PER-703; 07-30-2013)
(Office of Origin: HR/G)

3 FAM 4731 FILING A FORMAL GRIEVANCE

(CT:PER-703; 07-30-2013)
(State Only)
(Applies to Civil Service Employees)

- a. An employee who is dissatisfied with the outcome of the informal process described in 3 FAM 4720 may submit a formal grievance to the Deputy Assistant Secretary (DAS), Bureau of Human Resources, or to the Director of the Grievance Staff (HR/G).
- b. A formal grievance may be filed only after completion of the informal grievance process, except as provided by 3 FAM 4727.

3 FAM 4731.1 Time Limit

(CT:PER-703; 07-30-2013)
(State Only)
(Applies to Civil Service Employees)

- a. A formal grievance must be submitted in writing within 10 days of completion of the informal grievance process.
- b. Where the informal grievance process has been waived as provided by 3 FAM 4727, a formal grievance must be submitted within the timeframe specified in that section.
- c. Any request for an exception to the filing deadline must be submitted in writing to the Director of the Grievance Staff (HR/G) or designated representative prior to the expiration of the formal grievance filing period. An exception will be granted only for good cause.

3 FAM 4731.2 Submitting a Formal Grievance

(CT:PER-703; 07-30-2013)
(State Only)
(Applies to Civil Service Employees)

- a. A formal grievance must:
 - (1) Be in writing;

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- (2) State that the employee is filing a formal grievance;
 - (3) Identify the matter of concern and include all pertinent documentation. The grievance may not raise any new issue that was not presented as part of the informal grievance;
 - (4) Cite the relevant law, regulation or policy alleged to have been violated or misapplied;
 - (5) Include all documentation related to the informal stage of the grievance process (i.e., the employee's written informal grievance submission(s) and response(s) from the Responsible Officials) unless the informal grievance process was waived under 3 FAM 4727;
 - (6) State why the employee is dissatisfied with management's responses; and
 - (7) State the personal relief desired.
- b. A grievance that fails to meet the requirements above may be rejected by the Grievance Staff.
- c. Upon request, the supervisor or other appropriate officer must grant the employee a reasonable amount of official time to prepare the formal grievance. Generally, two hours of official time is sufficient but up to eight hours may be warranted for more complex grievances. This period of official time allowed may be rescheduled if necessitated by an urgent work assignment.

3 FAM 4732 ACTION ON FORMAL GRIEVANCE

(CT:PER-703; 07-30-2013)

(State Only)

(Applies to Civil Service Employees)

- a. Upon receipt of a formal grievance, the Bureau of Human Resources Grievance Staff will:
- (1) Acknowledge its receipt;
 - (2) Determine whether the matter grieved is within the scope of the administrative grievance system and resolve any question as to the timeliness of the informal or formal grievance submissions. If the matter is not covered or the grievance is untimely, the grievance will be rejected; and
 - (3) Provided the grievance is not rejected, forward a copy of the grievance submission to the executive director of the employee's organizational unit to request a bureau report.
- b. Upon receipt of the bureau report, the DAS may:
- (1) Refer the grievance to a qualified grievance examiner within 10 calendar days of receipt of the report; or

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- (2) Resolve the grievance in a manner acceptable to the employee.

3 FAM 4733 ACTIONS BY GRIEVANCE EXAMINER

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(Applies to Civil Service Employees)

- a. The grievance examiner must conduct a review of the issues involved in the grievance. At the examiner's discretion, the review may include one or more of the following:
 - (1) Securing documentary evidence;
 - (2) Personal interviews; or
 - (3) A group meeting;
- b. Upon completion of the inquiry, the grievance examiner will provide a copy of the findings to the employee (and the employee's representative, if any) for review and comment. The grievant and/or grievant's representative must be allowed seven days to review the findings unless the grievance examiner determines an extension is appropriate.
- c. The grievance examiner must establish a grievance file containing all documents developed during the review.
- d. Within 60 days of receipt of the grievance assignment, the grievance examiner must prepare a report of findings and recommendations and must submit that report and the grievance file to the Deputy Assistant Secretary, Bureau of Human Resources, or designated representative.

3 FAM 4734 FINAL GRIEVANCE DECISION

(CT:PER-703; 07-30-2013)

(State Only)

(Applies to Civil Service Employees)

- a. Within 15 days of receiving the grievance examiner's report and recommendations, the Deputy Assistant Secretary, Bureau of Human Resources, or designated representative, must issue a final decision that accepts or rejects the examiner's recommendations, in whole or in part. The decision will address whether the requested relief should be granted.
- b. The final grievance decision will be issued to the grievant, with a copy provided to the executive office of the appropriate organizational unit. The decision will be accompanied by a copy of the grievance examiner's report and recommendations, if any.
- c. Issuance of the final grievance decision marks the conclusion of the formal

grievance process.

3 FAM 4735 CANCELLATION OF GRIEVANCE

(CT:PER-703; 07-30-2013)

(State Only)

(Applies to Civil Service Employees)

The Grievance Staff or DAS will cancel a grievance:

- (1) At the grievant's request;
- (2) Upon termination of the grievant's employment with the Department, unless the personal relief sought by the grievant may be granted after termination of employment;
- (3) Upon death of the grievant, unless the grievance involves a question of pay or other money allegedly owed to the decedent by the Department; or
- (4) For failure on the part of the grievant to furnish required information and duly proceed with the grievance.

3 FAM 4736 NO FURTHER APPEALS

(CT:PER-703; 07-30-2013)

(State Only)

(Applies to Civil Service Employees)

Decisions under the Department's administrative grievance system are not subject to any further administrative or judicial review.

3 FAM 4737 THROUGH 4739 UNASSIGNED